

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1718 of 2019

Rakesh Yadav @ Vikki, S/o. Naresh Yadav, Aged About 27 Years, R/o. Village Lakhagarh, P.S. And Tahsil Pithora, District Mahasamund, Chhattisgarh

.....Applicant

-Versus -

State Of Chhattisgarh, Through The Station House Officer, Police Station Pithora, District Mahasamund, Chhattisgarh

.....Respondent

For Applicant : Mr. Raghavendra Pradhan, Advocate

For Respondent : Mr. Sumit Singh, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09.04.2019

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.121/2018 registered at Police Station- Pithora, District Mahasamund (C.G.) for the offence punishable under Sections 394/34 of Indian Penal Code. The first bail application was dismissed as withdrawn on 31.10.2018.
2. As per the prosecution case, on 17.07.2018, the applicant alongwith other co-accused has looted the Truck and an amount of Rs16,000/- and Mobile was taken away.
3. Learned counsel for the applicant submits that both the main witness have been examined and they have not supported the case of the prosecution and the applicant is in jail since 17.07.2018, therefore, he may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.

5. Perused the statement of the witnesses/victim. It appears that they have not supported the case of the prosecution. Considering the same, without any observation on merit at this stage, looking to the fact that the applicant is in jail since 17.07.2018, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge